IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 22863 of 2005(V)

AGAINST THE ORDER DATED 30/06/2005 IN EP.653/2003 IN OS.610/1996 of PRL.SUB COURT,THRISSUR

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PETITIONER:

K.K. MOHANAN,
S/O. KONIKKARA VEETTIL KRISHNAN,
THALAVANIKKARA DESOM, NENMANIKKARA VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENTS:

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1. PHARMA KURIES PVT. LTD.,
PUTHUR BUILDING, THRISSUR, REPRESENTED BY ITS MANAGING DIRECTOR.

2. M. AKKANNAN, S/O. P.MUTHUSWAMI,
HOUSE NO.13/694, VELIYANNUR DESOM,
THRISSUR VILLAGE AND TALUK.

3. DR. K.A. SUMA, W/O. KONIKKARA MOHANAN,
THALAVANIKKARA DESOM, NENMANIKKARA VILLAGE,
MUKUNDAPURAM TALUK.

R1 BY ADV. SRI.DILIP J. AKKARA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.22863 OF 2005 V

Dated this the 15th June, 2007.

JUDGMENT

This writ petition is filed seeking to set aside the order in E.P.653/03 in O.S.610/96. The first respondent therein is the writ petitioner before the Court. It is submitted that approximately an amount of Rs.3 lakhs will be due now. Though this Court directed the writ petitioner to pay an amount of Rs.50,000/- as early as on 2.8.2005 he has not complied with that direction. But the learned counsel for the writ petitioner submits that there are helping hands which would enable him to pay the amount in instalments if the court orders and if agreed by the decree holder. Though the decree holder disputes about the number of instalments asked for, I feel if there is real intention for the judgment debtor to pay off the liability, he can be given breathing time considering the amount involved in the case. Therefore the writ petition is disposed of as follows:-

2. The writ petitioner is directed to pay the decree amount in ten monthly equal instalments commencing from 1.8.2007. If he commits default of any one of the instalments, he will forfeit the benefit granted to him and the decree holder is at liberty to proceed against him for

execution of the decree by detention in civil prison. He is also precluded from raising the plea of no means at that stage. The further proceedings pursuant to Ext.P5 shall remain suspended.

M.N.KRISHNAN
Judge

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